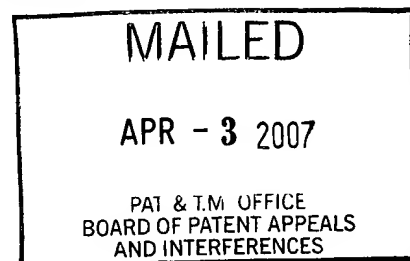


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN M. BARON
and BETH M.P. DELANEY

Application No. 09/935,249



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 16, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On October 17, 2005, an Order Returning Undocketed Appeal was mailed and the application was returned to the Examiner. The application has since been to the Board and Interferences, however, there is no indication that the Examiner vacated the Examiner's Answer and issued a revised Examiner's Answer in accordance with the

new rules effective September 13, 2004. See Manual of Patent Examining Procedure § 1207.02 (MPEP)(8th Ed., Rev. 3, August 2005).


Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to vacate the Examiner's Answer mailed February 3, 2006, and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and;

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/dal

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